

REMARKS

Claims 71 to 82 are pending. Claims 71, 75, and 79 have been amended. Support for the amendments to the claims can be found throughout the application and at page 5, lines 15 and 16.

The Examiner rejected claims 71 to 82 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,941,896 to Kerr in view of U.S. Patent No. 5,820,613 to Van Werven-Franssen et al. (“Van Werven-Franssen”).

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the independent claims in this rejection, claims 71, 75, and 79 have been amended. These claims now recite “the spacing member consisting essentially of a wire form” instead of comprising a wire form.

In Kerr, the Examiner construed angioplasty balloon 210 to be a spacing member. The Examiner admitted that Kerr does not disclose a spacing member comprising a wire. Page four of the June 23, 2010 Office Action. The Examiner combined Van Werven-Franssen with Kerr because Van Werven-Franssen describes a stiff end section 9 within a balloon. However, the combination of these references does not describe a spacing member consisting essentially of a wire form. In Van Werven-Franssen the balloon is the most important part of the structure and the balloon containing the end section 9 cannot properly be interpreted to suggest a spacing member consisting essentially of a wire form. Therefore, the combination of Kerr and Van Werven-Franssen does not suggest the claimed invention. Because claims 72 to 74, 76 to 78, and 80 to 82 depend from claims 71, 75, and 79, the same analysis applies to these claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw the rejections of the claims.

Amendment
Applicants: John C. Oslund et al.
Serial Number: 11/823,139

Attorney Docket: ev31010USD1

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Respectfully submitted,

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